

FORT CLATSOP NATIONAL MEMORIAL EXPANSION ACT OF
2002

MAY 14, 2002.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. HANSEN, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 2643]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2643) to authorize the acquisition of additional lands for inclusion in the Fort Clatsop National Memorial in the State of Oregon, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fort Clatsop National Memorial Expansion Act of 2002”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Fort Clatsop National Memorial is the only unit of the National Park System solely dedicated to the Lewis and Clark Expedition.

(2) In 1805, the members of the Lewis and Clark Expedition built Fort Clatsop at the mouth of the Columbia River near Astoria, Oregon, and they spent 106 days at the fort waiting for the end of winter and preparing for their journey home.

(3) In 1958, Congress enacted Public Law 85-435 authorizing the establishment of Fort Clatsop National Memorial for the purpose of commemorating the culmination, and the winter encampment, of the Lewis and Clark Expedition following its successful crossing of the North American continent.

(4) The 1995 General Management Plan for Fort Clatsop National Memorial, prepared with input from the local community, recommends the expansion of the memorial to include the trail used by expedition members to access the Pacific Ocean from the fort and the shore and forest lands surrounding the fort and trail to protect their natural settings.

(5) Expansion of Fort Clatsop National Memorial requires Federal legislation because the size of the memorial is currently limited by statute to 130 acres.

(6) Congressional action to allow for the expansion of Fort Clatsop National Memorial to include the trail to the Pacific Ocean would be timely and appropriate before the start of the bicentennial celebration of the Lewis and Clark Expedition planned to take place during the years 2004 through 2006.

SEC. 3. EXPANSION OF FORT CLATSOP NATIONAL MEMORIAL, OREGON.

(a) REVISED BOUNDARIES.—Section 2 of Public Law 85–435 (16 U.S.C. 450mm–1) is amended—

(1) by inserting “(a) INITIAL DESIGNATION OF LANDS.—” before “The Secretary”;

(2) by striking “coast:” and all that follows through the end of the sentence and inserting “coast.”; and

(3) by adding at the end the following new subsections:

“(b) AUTHORIZED EXPANSION.—The Fort Clatsop National Memorial shall also include the lands depicted on the map entitled ‘Fort Clatsop Boundary Map’, numbered ‘405–80026C–CCO’, and dated June 1996.

“(c) MAXIMUM DESIGNATED AREA.—The total area designated as the Fort Clatsop National Memorial shall not exceed 1,500 acres.”.

(b) AUTHORIZED ACQUISITION METHODS.—Section 3 of Public Law 85–435 (16 U.S.C. 450mm–2) is amended—

(1) by inserting “(a) ACQUISITION METHODS.—” before “Within”; and

(2) by adding at the end the following new subsection:

“(b) LIMITATION.—The lands (other than corporately owned timberlands) depicted on the map referred to in section 2(b) may be acquired by the Secretary of the Interior only by donation or purchase from willing sellers.”.

(c) MEMORANDUM OF UNDERSTANDING.—Section 4 of Public Law 85–435 (16 U.S.C. 450mm–3) is amended—

(1) by striking “Establishment” and all that follows through “its establishment,” and inserting “(a) ADMINISTRATION.—”; and

(2) by adding at the end the following new subsection:

“(b) MEMORANDUM OF UNDERSTANDING.—If the owner of corporately owned timberlands depicted on the map referred to in section 2(b) agrees to enter into a sale of such lands as a result of actual condemnation proceedings or in lieu of condemnation proceedings, the Secretary of the Interior shall enter into a memorandum of understanding with the owner regarding the manner in which such lands will be managed after acquisition by the United States.”.

SEC. 4. STUDY OF STATION CAMP SITE AND OTHER AREAS FOR POSSIBLE INCLUSION IN NATIONAL MEMORIAL.

The Secretary of the Interior shall conduct a study of the area near McGowan, Washington, where the Lewis and Clark Expedition first camped after reaching the Pacific Ocean and known as the “Station Camp” site, as well as the Megler Rest Area and Fort Canby State Park, to determine the suitability, feasibility, and national significance of these sites for inclusion in the National Park System. The study shall be conducted in accordance with section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

PURPOSE OF THE BILL

The purpose of H.R. 2643 is to authorize the acquisition of additional lands for inclusion in the Fort Clatsop National Memorial in the State of Oregon, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

From December 7, 1805, to March 23, 1806, the members of the Lewis and Clark expedition were encamped at Fort Clatsop following their journey from the Mississippi River to the Pacific Ocean. President Thomas Jefferson had directed Captain Meriwether Lewis and Captain William Clark to explore the Missouri River to its source, find the most direct route to the Pacific Ocean, to make scientific and geographic observations, and to learn more of the Indian tribes they would encounter. The expedition resulted in an awakening of interest in the newly acquired territory in America’s west. Following their journey from St. Louis, which in-

cluded approximately 600 miles of river travel along what are today known as the Snake and Columbia Rivers, Lewis and Clark caught view of the Pacific Ocean in November 1805 not far from present day McGowan, Washington. They established a winter camp on the opposite side of the river which they would name for the friendly local Indian tribe, the Clatsops. There they would spend three months before beginning their return trip east.

Fort Clatsop National Memorial, the only unit of the National Park System solely dedicated to the Lewis and Clark expedition, commemorates the camp where the Corps of Discovery spent the winter of 1805–1806. With the bicentennial of the historic journey approaching, it is expected that there will be a major influx of additional visitors, particularly during the bicentennial years of 2003 through 2006.

In 1995, the General Management Plan for the Fort Clatsop Memorial identified the need to establish a trail linkage between Fort Clatsop and the Pacific Ocean, while also protecting the scenic and natural resources that frame the park setting. The extension of the Memorial's boundaries would achieve these objectives. Also contained in the bill is the authorization of a suitability and feasibility study for the possible inclusion of Station Camp, Megler Rest Area, and Fort Canby State Park, all sites associated with the expedition, as units of the National Park System. Each of these sites are located across the river from Fort Clatsop in the State of Washington.

COMMITTEE ACTION

H.R. 2643 was introduced on July 25, 2001, by Congressman David Wu (D-OR). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Recreation, and Public Lands. On February 7, 2002, the Subcommittee held a hearing on the bill. On April 18, 2002, the Subcommittee met to mark up the bill. Congressman George Radanovich (R-CA) offered an amendment in the nature of a substitute to do the following: at the suggestion of the National Park Service, remove language in the findings that would prejudice the suitability and feasibility of the Washington sites that are to be studied for possible inclusion in the National Park System; strike language that would have designated an area within the park as an undeveloped visual buffer zone between the trail and lands outside the park; and add language that would direct the Secretary of the Interior to enter into a Memorandum of Understanding with the owner of adjacent corporate-owned timberlands regarding how the land will be managed after acquisition, should the landowner choose to sell as a result of actual condemnation proceedings or in lieu of condemnation proceedings. It is expected by the Committee that friendly condemnation proceedings may be used as a means to resolve some issues where title to the adjacent lands may be unclear. Finally, the amendment changed the map reference to reflect the changes in the amendment, as well as to remove the property of a landowner that requested not to be included within the expanded boundaries of the park. The amendment was adopted by voice vote. The bill, as amended was then ordered favorably reported to the Full Committee by voice vote. On April 24, 2002, the Full Resources Committee met to consider the bill. There were no

further amendments and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 8, 2002.

Hon. JAMES V. HANSEN,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2643, the Fort Clatsop National Memorial Expansion Act of 2002.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 2643—Fort Clatsop National Memorial Expansion Act of 2002

Summary: CBO estimates that implementing H.R. 2643 would cost \$9 million over the 2003–2007 period, assuming appropriation of the necessary amounts. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 2643 would expand the boundaries of the Fort Clatsop National Memorial in Oregon to include 1,375 acres of additional lands and would authorize the Secretary of the Interior to acquire nonfederal lands within that expanded area. With the exception of certain corporately owned lands that could be acquired by condemnation, the bill specifies that the Secretary could acquire lands only from willing sellers. H.R. 2643 also would direct the Secretary to study an area known as Station Camp near McGowan, Washington, for potential inclusion in the National Park System.

H.R. 2643 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would have no significant impact on the budgets of state, local or tribal governments.

In the event that the National Park Service (NPS) uses the condemnation authority contained in the bill to acquire certain corporately owned timberlands for inclusion in the Fort Clatsop National Memorial, such an acquisition would constitute a private-sector mandate as defined by UMRA. CBO estimates that the direct cost of this private-sector mandate would fall well below the annual threshold established by UMRA (\$115 million in 2002, adjusted annually for inflation).

Estimated cost to the Federal Government: For this estimate, CBO assumes that H.R. 2643 will be enacted by the start of fiscal year 2003 and that necessary funds will be provided close to the start of each year. The estimated budgetary impact of H.R. 2643 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2003	2004	2005	2006	2007
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated authorization level	6	3	0	0	0
Estimated outlays	6	3	0	0	0

Basis of estimate: Based on information from the NPS, CBO expects that expanding the memorial as specified in the bill would not significantly increase the agency's costs to manage the memorial, but would result in increased costs for land acquisition and development. Assuming appropriation of the necessary amounts, CBO estimates that the agency would spend \$6 million in 2003 and \$2 million in 2004 to acquire nonfederal lands within the expanded memorial. We also estimate that the agency would spend \$1 million in 2004 to construct trailhead facilities, parking lots, and other necessary infrastructure. Finally, based on information from the NPS, we estimate that the agency would spend less than \$300,000 during fiscal year 2003 to study the area known as Station Camp near McGowan, Washington, for potential inclusion in the National Park System.

Pay-as-you-go considerations: None.

Estimated impact on state, local, and tribal governments: H.R. 2643 contains no intergovernmental mandates as defined in UMRA and would have no significant impact on the budgets of state, local, or tribal governments.

Estimated impact on the private sector: In the event that the NPS uses the condemnation authority contained in the bill to acquire certain corporately owned timberlands for inclusion in the Fort Clatsop National Memorial, such an acquisition would constitute a private-sector mandate as defined by UMRA. Because title to the property is not clear, both the NPS and the property owner have agreed that condemnation would be the best methods of acquisition. The cost of this mandate would be the fair market value of the land and expenses incurred by the private-sector owner in transferring the property to the federal government. In accordance with federal law, the NPS would compensate the current owners for the fair market value of the land through a judicial condemnation proceeding. According to the NPS, the timberlands, have been appraised at roughly \$6 million. Thus, CBO estimates that the direct cost of this private-sector mandate would fall well below the annual threshold established by UMRA (\$115 million in 2002, adjusted annually for inflation).

Previous CBO estimate: On September 4, 2001, CBO transmitted a cost estimate for a similar bill, S. 423, as ordered reported by the Senate Committee on Energy and Natural Resources on August 2, 2001. The two bills are substantively similar, and our estimates of total federal spending under each bill are the same. Differences in the timing of outlays reflect a change in our assumption regarding when H.R. 2643 will be enacted. The two bills contain the same private-sector mandate.

Estimate prepared by: Federal costs: Megan Carroll; impact on state, local, and tribal governments: Marjorie Miller; impact on the private sector: Lauren Marks.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any state, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

ACT OF MAY 29, 1958

(Public Law 85-435)

AN ACT To provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes.

* * * * *

SEC. 2. (a) *INITIAL DESIGNATION OF LANDS.*—The Secretary of the Interior shall designate for inclusion in Fort Clatsop National Memorial land and improvements thereon located in Clatsop County, Oregon, which are associated with the winter encampment of the Lewis and Clark Expedition, known as Fort Clatsop, including the site of the salt cairn (specifically, lot number 18, block 1, Cartwright Park Addition of Seaside, Oregon) utilized by that expedition and adjacent portions of the old trail which led overland from the fort to the [coast: *Provided*, That the total area so designated shall contain no more than one hundred and thirty acres.] coast.

(b) *AUTHORIZED EXPANSION.*—*The Fort Clatsop National Memorial shall also include the lands depicted on the map entitled "Fort Clatsop Boundary Map", numbered "405-80026C-CCO", and dated June 1996.*

(c) *MAXIMUM DESIGNATED AREA.*—*The total area designated as the Fort Clatsop National Memorial shall not exceed 1,500 acres.*

SEC. 3. (a) *ACQUISITION METHODS.*—Within the area designated pursuant to section 2, the Secretary of the Interior is authorized to acquire land and interests in land by purchase, donation, with donated funds, or by such other means as he deems to be in the public interest.

(b) *LIMITATION.*—*The lands (other than corporately owned timberlands) depicted on the map referred to in section 2(b) may be acquired by the Secretary of the Interior only by donation or purchase from willing sellers.*

SEC. 4. [Establishment of Fort Clatsop National Memorial shall be effected when there is vested in the United States of America title to not less than one hundred acres of land associated with the historical events to be commemorated. Following its establishment,] (a) *ADMINISTRATION.*—Fort Clatsop National Memorial shall be administered by the Secretary of the Interior pursuant to the Act of August 25, 1916 (39 Stat. 535), as amended.

(b) *MEMORANDUM OF UNDERSTANDING.*—*If the owner of corporately owned timberlands depicted on the map referred to in section 2(b) agrees to enter into a sale of such lands as a result of actual condemnation proceedings or in lieu of condemnation proceedings, the Secretary of the Interior shall enter into a memorandum of understanding with the owner regarding the manner in which such lands will be managed after acquisition by the United States.*